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October 18, 2005

Hickman Palermo Truong & Becker, LLP  
2055 Gateway Place  
Suite 550  
San Jose, CA 95110

In re Application of:	Yu	:	
Application No.	09/823,803	:	DECISION GRANTING THE
Filed:	3/30/01	:	PETITION FILED NOVEMBER 3, 2003
Attorney Docket No.	49986-0504	:	UNDER 37 C.F.R. 1.144
		:	

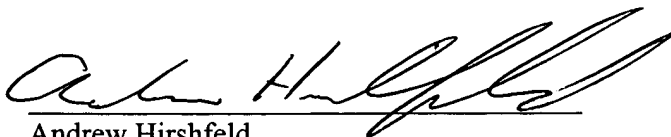
This decision is in response to the petition filed November 3, 2003 in the above identified application. Petitioner requests review and withdrawal of the final requirement for restriction set forth in the office action dated August 5, 2003.

The petition states that each group identified by the Examiner merely has different preambles but contain identical steps. The petition also states that there would be no serious burden on the Examiner to keep all claims together for purposes of examination.

A review of the claims reveals that the restriction requirement made by the Examiner was not proper. Accordingly, the petition filed under 37 C.F.R. 1.114 is GRANTED, and the requirement for restriction initially made on April 11, 2003 is hereby vacated.

It is apparent from the prosecution history that the requirement for restriction was informally vacated by the Examiner even though the petition under 37 C.F.R. 1.144 was never formally responded to by the Office. Accordingly, the application will be passed to issue consistent with the notice of allowability mailed April 13, 2005. The Office sincerely regrets the delay in responding to the petition.

Telephone inquiries should be directed to Supervisory Patent Examiner Andrew Hirshfeld at (571) 272-2168.

  
Andrew Hirshfeld  
SPE, AU 2854